

# Brent Michael

Barrister

Level 6, 174 Phillip Street  
Sydney NSW 2000  
Tel +61 (2) 8915 2641  
bmichael@sixthfloor.com.au

**Practice** Broad commercial practice - contracts; equity and trusts; corporations and partnerships; funds and managed investment schemes; misleading and unconscionable conduct; confidentiality and restraint of trade.

Briefs also accepted in other areas - including negligence, real property, freedom of information, defamation, public law, inquiries.

<b>Experience</b>	<b>New South Wales Bar</b> Barrister	2015 – Present
	<b>University of New South Wales</b> Lecturer, Civil procedure	2013, 2017–18
	<b>University of Sydney</b> Lecturer, Evidence and Torts	Jul – Dec 2014
	<b>King &amp; Wood Mallesons</b> Solicitor, Dispute Resolution group, Sydney	2009 – 2013
	<b>Court of Appeal, Supreme Court of New South Wales</b> Tipstaff (judge's associate), Justice D.H. Hodgson AO	2008

**Education** **Columbia Law School**, LLM (Hons) (*Litigation, constitutional, jurisprudence, history*)

**University of Sydney**, LLM (*Commercial litigation, contracts, judicial power, tort*)

**University of New South Wales**, BA (*Philosophy*), LLB (Hons)

- **First place in course:** Legal Interpretation; Advanced Contract Law; Commercial Equity Litigation; Defamation and the Media; Judicial Power of the Commonwealth; The Causation Element; Biopolitics and Biotechnology; Political Theory and the Rights of Indigenous Peoples.
- **Prizes:** Columbia Law School Milton B. Conford prize for jurisprudence; Sydney Law School Sir Maurice Byers prize for constitutional law; UNSW Dean's List for Academic Excellence; World Runner-Up, Philip C. Jessup International Moot; Winner, Chartered Institute of Arbitrators National Arbitration Moot; Winner, Witness Examination Competition, UNSW.

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**Recent matters**

- ***In the matter of FSM Development Pty Ltd (in liq) & Ors [2025] FCA 1625***  
Legal professional privilege – joint and common interest. (Led by D. Thomas SC)
- ***In the matter of FSM Development Pty Ltd (in liq) & Ors [2025] NSWSC 988***  
Corporations – public examinations – application to set aside examination summonses by creditor where parallel examinations by liquidators in FCA. (Led by D. Thomas SC)
- ***Student A v Council of Newington College [2025] NSWSC 534; [2025] NSWCA 230***  
Trusts – construction – for the College Council defending challenge to power to transition College to a co-educational school. (Led by N. Hutley SC, with D. Reynolds)
- ***Mir v Mir & Ors [2025] NSWCA 154***  
Partnerships – whether arising over group of companies and trusts; trusts – application to remove trustee. (Led by C. Bova SC)
- ***Re Council of Newington College (NSWSC, unreported, 14/2/2025, Faulkner J)***  
Trusts – judicial advice – whether trustee justified in defending proceedings. (Unled)
- ***Patrick; Secretary, Department of Climate Change, Energy, the Environment & Water and Minister for Climate Change & Energy [2024] ARTA 7; [2025] FCA 754***  
FOI – confidentiality and other exemptions – for Snowy Hydro Limited. (Unled)
- ***Mir v Mir & Ors [2023] NSWSC 408; [2024] NSWSC 791; [2024] NSWSC 899***  
Partnerships; corporations – winding up; trusts – terms governing, application to remove trustee – business with \$300m+ assets. (Led by C. Bova SC)
- ***Morgan v Bruan Park Pty. Limited in its capacity as trustee for the RM & PL Morgan Family Trust (NSWSC)***  
Trusts – discretionary trust – dispute re access to trust documents. (Unled)
- ***Arnold & Ors v Belmore 88 Pty Ltd & Ors (NSWSC)***  
Trusts – joint venture – residential & commercial property development – allegations of unauthorised transactions, breaches of trust, disputed loans. (Led by C. Bova SC)
- ***GPT RE Limited v ACPE Limited & Ors (NSWSC)***  
Contracts – indemnities – share sale agreement – enforcement of indemnity against vendor re lease liabilities; rectification. (Led by M. Izzo SC)
- ***Thomas v Pearson [2025] NSWSC 1127***  
Easements – nuisance – claim of interference. (Led by T. Alexis SC)
- ***Proclear International P/L v United Beverage Co-Packers [2024] NSWSC 1455***  
Contracts – manufacture – confidentiality, exclusivity, quality. (Led by T. Alexis SC)
- ***In the matter of Bird House Early Learning Centres Pty Ltd (NSWSC)***  
Corporations – childcare centre business – oppression; derivative claims for breach of director's duties re fund defalcations; share transfer validity. (Led by T. Alexis SC)
- ***Jeffery v Adams [2023] NSWSC 1270; [2024] NSWCA 96; [2024] NSWCA 149***  
Easement under s 88K, Conveyancing Act; enforcement of deed. (Led by T. Alexis SC)
- ***Patrick; Secretary, Department of Defence [2021] AATA 4627; [2024] AATA 336***  
FOI – commercially sensitive information re future submarine program – confidentiality and other exemptions – for Naval Group France. (Unled)

- **Magellan Asset Management Limited as responsible entity for the Magellan Global Fund v Keybridge Capital Limited [2023] NSWSC 1332**  
Managed investment scheme – construction of constitution – validity of meeting request to resolve to delist/redeem units. (Led by D. Thomas SC)
- **HSBC Bank Australia Ltd v Potts [2022] NSWCA 165; [2023] HCATrans 49**  
Banking – misleading and deceptive conduct – for HSBC re \$29m claim against former directors of Dick Smith. (Led by D. Thomas SC)
- **Watson & Co Superannuation Pty Ltd v Dixon Advisory and Superannuation Services Ltd (in administration) [2022] FCA 1273**  
Corporations – application by class action claimant for insurance polices of company in administration. (Led by D. Williams SC)
- **Davis & Ors v Certain Lloyd's Underwriters & Ors [2022] NSWSC 131**  
Trusts – for trustee's insurers defending \$10m breach of duty claim for not preventing share dilution. Discontinued after trial. (Led by T. Alexis SC)
- **Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd & Ors [2020] NSWSC 1778; [2021] NSWSC 1374; [2021] NSWSC 1537**  
Partnership – property development; authority/agency; banking mandate; director's duties; \$130m+ in claims. (Led by N. Hutley SC & C. Bova SC with D. Reynolds)
- **In the matter of Courtenay House Capital Trading Group Pty Ltd (in liq) [2018] NSWSC 404; [2019] NSWSC 1113; [2020] NSWSC 780; [2020] NSWCA 117**  
Trusts – Australia's largest Ponzi scheme – whether two funds totalling \$40m+ held on trust for investors; distribution method; tracing. (Led by M. Izzo SC)

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## Select papers

'Migratory Boundaries of Coastal Properties in Cases of Artificially Caused Erosion' (2018) 7(2) *Property Law Review* 80.

'Failing to Assess a Borrower's Repayment Capacity', *Law Society Journal*, April 2016.

'Recourse to Contractual Context Reaffirmed' (2015) 89(3) *Australian Law Journal* 181 (with D. Wong).

'Criteria for identification of "corporations" and "trading corporations" under 51(xx) of the Constitution', *Bar News*, Winter 2015.

'Sea Changes in Coastal Protection Laws' (2013) 87 *Australian Law Journal* 15 (with K. Coleman).

'Western Export Services v Jireh International: Ambiguity as the Gateway to Surrounding Circumstances?' (2012) 86(1) *Australian Law Journal* 57 (with D. Wong).

**Cited in:** *Maintech Services Pty Ltd v Stein Heurtey SA* [2014] NSWCA 184; *McCourt v Cranston* [2012] WASCA 60; *Bisognin v Hera Project Pty Ltd* [2016] VSC 75; *Toga Pty Limited v Perpetual Nominees Ltd* [2012] NSWADT 80.

'International Law in Constitutional Interpretation: A Theoretical Perspective' (2012) 23(3) *Public Law Review* 197.

'Must an Accessory be a Know-It-All?' (2010) 18(4) *Trade Practices Law Journal* 234 (now *Competition & Consumer Law Journal*).

**Cited in:** *Sugarloaf Hill Nominees Pty Ltd v Rewards Projects Ltd* [2011] WASC 19.

'Responding to Attacks by Non-State Actors: The Attribution Requirement of Self-Defence' (2009) 16 *Australian International Law Journal* 133.